IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 3416 of 2005(F)

OS.58/1999 of MUNSIFF COURT, PAYYANNUR

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PETITIONER:

1. VANNADEEL PRAMEELA, AGED 54 YEARS,
   D/O.GOVINDA PODUVAL, CHERUTHAZHAM AMSOM
   DESOM, P.O.PILATHARA, KANNUR 670 501.

2. VANNADEEL PRAVEEN, AGED 33 YEARS,
   S/O.PRAMEELA, DO. DO.

3. VANNADEEL PRABHA, AGED 31 YEARS,
   D/O.PRAMEELA, DO.
   (THROUGH THEIR P.A.HOLDER, S/O.PARVATHI
   AMMA, AGED 70, CHERUTHAZHAM AMSOM DESOM,
   PILATHARA P.O. KANNUR 670 501).

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD
SRI.M.SANTHOSHKUMAR

RESPONDENTS:

1. MUNDATH MURALIDHARAN, S/O.SHARADAMMA,
   AGED 45, BRANCH MANAGER, VYSA BANK,
   PONNANI ROAD, TIRUR, MALAPPURAM.

2. VANNADEEL RAJASREE, D/O.MURALIDHARAN,
   AGED 39 YEARS, NO OCCUPATION, PONNAI ROAD,
   TIRUR, MALAPPURAM.

3. VANNADEEL SANTHAKUMARI, D/O.GOVINDA
   PODUVALA, GED 63 YEARS, NO OCCUPATION, PAYYANNUR
   AMSOM, KOKKANISSERY DESOM, P.O.PAYYANNUR.

4. THE SECRETARY, PAYYANNUR MUNICIPALITY,
   P.O. PAYYANNUR.

5. DR.C.C.MOHANAN, FATHER'S NAME NOT KNOWN
   AGED 51, PAYYANNUR AMSOM, KOKKANISSERY
   DESOM, P.O.PAYYANNUR.

6. VANNADEEL GEETHA, AGED 41 YEARS,
   W/O.MOHANAN, COLLEGE LECTURER, DO. DO.

7. K.A.KUNHIKRISHNA PODUVAL, AGED 74 YEARS,
   S/O.SEKHARA PODUVAL, DO. DO.

R4 BY ADV. SRI.M.SASINDRAN
R1-R3 & R5-R7 BY ADV. SRI.KALEESWARAM RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 3416/05

PETITIONER'S EXHIBITS:

EXT. P1	**TRUE COPY OF THE PLAINT OS 58/99 ON THE FILE OF THE MUNSIFF'S COURT, PAYYANNUR**
EXT. P2	**TRUE COPY OF THE WRITTEN STATEMENT FILED BY DEFENDANTS 1 & 2**
EXT. P3	**TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS 3 TO 7**
EXT. P4	**TRUE COPY OF THE WRITTEN STATEMENT FILED BY 4TH DEFENDANTS**
EXT. P5	**TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION IN IA 2015/04**
EXT. P6	**TRUE COPY OF THE PETITION DO. DO.**
EXT. P7	**TRUE COPY OF THE COUNTER STATEMENT FILED BY THE RESPONDENTS**
EXT. P8	**TRUE COPY OF THE ORDER DT. 18.12.04 ON THE FILE OF THE MUNSIFF'S COURT, PAYYANNUR**

/TRUE COPY/

K.P. Balachandran, J.

W.P.(C)No. 3416 of 2005 F

JUDGMENT

The petitioners are the plaintiffs in O.S.No. 58/99 on the file of the Munsiff's Court, Payyannur. They filed Exhibit P6 petition, supported by Exhibit P5 affidavit, for amendment of Exhibit P1 plaint and that was dismissed by the court below, vide Exhibit P8 order. The petitioners have, therefore, come up with this writ petition for quashing Exhibit P8 order and also praying for a direction being given to the Munsiff, Payyannur to allow Exhibit P6 petition for amendment of the plaint.

2. I have gone through Exhibit P6 petition as also Exhibit P5 affidavit, filed in support of Exhibit P6 petition. The first prayer sought for in Exhibit P6 petition is to delete the name of the fourth plaintiff. The reason why the name of the

fourth plaintiff is sought for to be deleted is not stated anywhere in the affidavit. The next amendment sought for is as regards the age of the third defendant and also as regards avocation of the sixth defendant. A few other amendments are also sought for to be effected. But, from the averments made in Exhibit P5 affidavit and Exhibit P6 petition, one cannot make out head or tail out of it. The court below was justified in dismissing Exhibit P6 petition, supported by Exhibit P5 affidavit, from which, the amendment actually intended by the plaintiff cannot be made out. Even before this Court, though Exhibit P5 affidavit and Exhibit P6 petition are filed separately, along with Exhibit P8 order also, repeatedly the affidavit and petition are filed. Counsel for the petitioner himself is unable to enlighten me as to what exactly is the correction or amendment that is attempted to be brought in or the purpose thereof.

In the circumstances, I see no merit in this

writ petition and this writ petition is, hence, dismissed with costs to the respondents, but, however, without prejudice to the petitioners moving appropriate petition, with the required clarity, in the court below for amendment of the plaint, if need be.

26th February, 2007 (K.P.Balachandran, Judge)

tkv